In the Supreme Court of the United States

OCTOBER TERM, 1965

No. 150

JOHN WM. HALUSKA, PETITIONER

v.

ANTHONY J. CELEBREZZE, Secretary of Health, Education and Welfare, and THE CONGRESS OF UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

In 1957, while petitioner was confined in a Minnesota mental hospital, his sister made application to the Secretary of Health, Education and Welfare to establish a period of disability for him (Tr. 99-102).[1]

[1] "Tr." references are to the transcript of administrative proceedings in this case, four copies of which were filed with the Court of Appeals, and which is part of the record in this case.

The application was granted. After his release from the mental hospital, petitioner obtained a job, and his disability benefits were eventually terminated (Tr. 143-144). Shortly thereafter, petitioner filed a request for reconsideration, on the stated ground that "I feel I am still disabled * * *" (Tr. 145).

The Secretary, after a hearing, agreed that petitioner was still disabled, and restored retroactively the full benefits for which petitioner had applied (Tr. 13, 14). Nothwithstanding this completely favorable administrative resolution of the matter, petitioner brought this action to obtain review of the Secretary's decision and to secure an investigation of alleged abusive practices in Minnesota state, county and city hospitals. The district court dismissed the action and the court of appeals affirmed on March 31, 1965.

There is no warrant for further review by this Court. Petitioner has received all of the social security benefits for which he applied and to which he is entitled. As the court below noted, the district court plainly lacked jurisdiction over so much of petitioner's complaint as related to the management of Minnesota hospitals.

For the foregoing reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted.

ARCHIBALD COX,
Solicitor General.

JUNE 1965.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1965 776314 880